

Ex. 2

Transcription of Meeting, 10/12/2021

Transcribed by: Carolyn Grittini, CSR-3381

ATTENDEES:

ERICA ALFORD

FAY ARABO

CORRIE BEAVERSON

KATE BOVERHOF

MICHAEL BUSOVICKI

LAURA BYERS

BART FEINBAUM

VALARIE FURCHI

PATRICIA SNYDER

BLAEMELYN VELA

LIBBIE WARD

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1 MS. SNYDER: -- the expectations for this team because
2 you guys are on the front lines working with leaders,
3 desperately trying to fill, I know hundreds of open
4 reqs and every open position is an important one to be
5 able to fill. And identifying the right person is
6 important, we know, to the organization and
7 everything, but I want to be very realistic with this
8 group to say, we're not going to accept all religious
9 accommodation requests. We might not accept all
10 medical accommodation requests. This may likely lead
11 to some candidates falling out of the process after
12 they've already been selected, and that will be
13 unfortunate, but we have to, first of all, be
14 consistent in how we make these decisions. And if we
15 ever are going to have to apply this process to our
16 own employees, we have to be consistent with how we
17 treat our own employees.
18 So I just kind of want to put it out there that we're
19 going to be really scrutinizing like Bart's talking
20 about, and if someone really can't tie their reason
21 for not getting a vaccine to a religious belief, then
22 they're going to likely fall out and their request for
23 an exemption will be denied.
24 MR. FEINBAUM: Correct.
25 MS. ARABO: That's totally understandable.

1 MR. BUSOVICKI: Just from past experience, are there
2 any religions that we know of that this might be the
3 issue for?

4 MS. SNYDER: We don't have past experience.

5 MR. BUSOVICKI: Yeah, any kind of, you know, all of
6 your history.

7 MR. FEINBAUM: Yeah, I've done some research on this,
8 and I would say the major religions, and I'm saying
9 three major religions, Christianity, Judaism, Islam,
10 all in general say that vaccinations are allowable
11 under their religious teachings, but even in those
12 religions, there are offshoots, and I think we just
13 have to take it on a case-by-case basis.

14 I mean, I think each of these interviews are going to
15 be like mini depositions. I've done hundreds of
16 those, so --

17 MS. SNYDER: Bart just can't leave his legal
18 background behind, even though he's not in legal
19 anymore.

20 MR. FEINBAUM: Yeah, well, just following me around.
21 But I enjoy it, so it should be an interesting and fun
22 experience.

23 So any other questions from the group? Okay. Well,
24 let's get on with that.

25 MS. SNYDER: I have a question, since we don't have

1 all the experts on the call right now, where are we at
2 with all the reach-outs you've done in terms of total
3 numbers of medical and religious exemptions?

4 MS. BEAVERSON: There have been four in total that
5 asked about it.

6 MS. SNYDER: Oh, just four that asked about -- okay.

7 MR. FEINBAUM: And only Miss Bryant is the one who
8 actually had turned a form in?

9 MS. BEAVERSON: That's my understanding, yeah. I
10 don't think they've gotten any others yet.

11 MR. FEINBAUM: Okay.

12 MS. BEAVERSON: Anyone else from the project team that
13 did the reach-out? So the one person that I talked to
14 has not sent it back. Anything else? Erica, I think
15 you may have had one.

16 MS. ALFORD: Yeah, they haven't sent it back either.
17 I haven't had them sent it back. Should we reach out
18 to them to give them like a timeline? Because they're
19 going to be starting rather soon.

20 MS. BEAVERSON: Yeah, the ones that are starting on
21 11/1, the person that I have is starting on 11/1. So
22 I was going to give her a couple more days and then
23 follow up on her.

24 MS. ALFORD: Okay.

25 MS. VELA: This is Blaemelyn. I have a question, and

1 I'm sorry you covered this already, Bart. Is the
2 expectation that we'll have a decision on these
3 exemptions before their start date or not necessarily?
4 MR. FEINBAUM: No, absolutely before the start date,
5 that's the expectation. As a matter of fact, after I
6 conclude my interview with this candidate, I plan on
7 reaching out to my committee and hopefully the
8 committee can meet tomorrow.

9 MS. VELA: Okay. Thank you.

10 MR. FEINBAUM: Yep, you're welcome.

11 MS. ARABO: Bart, I'm just curious, how do we know
12 when people put down their religious, you know,
13 leaders, that these are real people? That they're not
14 just, like, friends, let's say, for example? I'm just
15 curious.

16 MR. FEINBAUM: It's a good question. In terms of the
17 one I'm interviewing at 3:30, this person also has a
18 Facebook site, and she does not appear in my opinion
19 to be a spiritual leader or religious leader. So it's
20 kind of, you've got to just do your research. You
21 kinda would think that most reputable churches or
22 mosques or synagogues, their religious leaders, if you
23 Google their name, it will come up as being affiliated
24 with that organization, which is part of our process.
25 We double check everything, and it's just, you know,

1 the devil is in the details.

2 MS. ARABO: Yeah, I like what you're doing. It's

3 interesting. I kinda want to know the outcome.

4 MS. ALFORD: I wish we could be a fly on the wall.

5 MR. FEINBAUM: Yeah.

6 MS. ARABO: Yeah, could we be in the background for

7 the interview and not say anything?

8 MR. FEINBAUM: You don't want to be deposed as a

9 witness, so I'm going to say no, unfortunately. It's

10 funny, because when I used to teach at U of D Law

11 School for over 25 years, you know, we would talk

12 about this very issue, but now I get to actually apply

13 it. So it's kind of fun from the textbook to the real

14 world.

15 MS. ARABO: I've got lots of investigators on this

16 team.

17 MS. BEAVERSON: CSI people in training.

18 MS. FURCHI: Bart's our secret agent man.

19 MR. FEINBAUM: There you go.

20 MS. BEAVERSON: Question, Bart or Tricia. This

21 process, do you happen to know if it will be the same

22 on the emerging market side? Will the EHTA team

23 follow the same process or are they working with

24 Christy Torney?

25 MS. SNYDER: They are going to mirror the process.

1 Bart's kind of -- he's going to kind of straddle the
2 fence and work both sides, be involved with EH as
3 well.

4 MS. BEAVERSON: Okay.

5 MS. SNYDER: But the process will be the same.

6 MR. FEINBAUM: All good questions. Any other ones?

7 Okay. Well, if you ever have any questions you think
8 of after this meeting, you can always reach out to
9 Tricia or myself and we'll be happy to answer.

10 MS. BEAVERSON: One last question. Sorry, Bart, it
11 just popped in my head.

12 MR. FEINBAUM: Yeah.

13 MS. BEAVERSON: You mentioned wanting to protect as
14 much as possible the committee members in case they
15 are deposed. Makes me wonder, what is the likelihood
16 that anyone in TA might have to be deposed being part
17 of this process? Or do you think that risk is low
18 because our role in this really is just facilitating,
19 we're not making decisions, we're just kind of the
20 middle person, so to speak.

21 MR. FEINBAUM: Yes. I'm going to agree with what you
22 just said. I view your role as, while it's a very
23 important role, it really is the deliverer of
24 information and forms. You're not a decision maker,
25 so I would say you're not going to be on the hot seat.

1 MS. BEAVERSON: Thank you.

2 MS. BYERS: Hey Bart, it's Laura. First, thanks for
3 spending time with the TA team helping us know. And I
4 apologize, I don't think you answered this, but I did
5 quickly take another phone call. What if someone puts
6 in for a religious exemption and gets denied and
7 they're like oh, wait, I have a medical condition, I'm
8 going to do that? I mean, any guidance for the TA
9 team?

10 MR. FEINBAUM: Yeah, well, yeah. We call that forum
11 shopping in the law. One judge denies something you,
12 go to another one. I would say we would have to
13 accept the form. That would be my answer. We have to
14 assess the medical exemption as well. Because the
15 person may say well, I just forgot to turn it in. I
16 think we have to give them the benefit of the doubt.
17 I mean, I think they're totally, two totally different
18 issues, religion and medical. We may view them a
19 little skeptically, but I think we need to consider
20 that.

21 MS. VELA: Are they -- this is Blaemelyn again. Are
22 they getting something in writing, like a final
23 decision, or is it just going to be the verbal
24 communication that we share with them?

25 MR. FEINBAUM: I think we are leaning to the verbal

1 decision.

2 MS. ARABO: You know, Laura --

3 MR. FEINBAUM: But that's -- yeah

4 MS. ARABO: Laura Byers got me thinking by saying what

5 she said. Let's say we decline someone, Bart, because

6 it's -- you know, after interviewing them, you decide

7 that we're not going to grant them accommodation,

8 perhaps, you know, it was like a bogus religious

9 spiritual leader, let's just say. Of course, we're

10 not going to know all those details. All we need to

11 know is that it's not been granted. And they reapply

12 in the future, let's say in a month they come back and

13 say, hey, I'm going to get the vaccine; are we going

14 to be able to reconsider these applicants?

15 MR. FEINBAUM: Well, I would say that if they decide

16 to get the vaccine, then we have accomplished our goal

17 to get them vaccinated. I think it would probably be

18 a business decision as to whether or not you wish to

19 accept them, but they're otherwise qualified and they

20 got the vaccine.

21 MS. SNYDER: Let me just talk about that a little bit.

22 MR. FEINBAUM: Okay, sure

23 MS. SNYDER: I think we cannot have a blanket answer

24 to that one, quite frankly. Because if someone -- if

25 we believe strongly and have evidence that they have

1 falsified documents in pursuit of a religious or
2 medical exemption, we really should not be
3 entertaining hiring them. They're not trustworthy
4 individuals at that point. So in my opinion, we would
5 handle it on a case-by-case basis, and certainly how
6 they handle this process would have to be considered
7 in any future application that they might aspire to.
8 MR. FEINBAUM: Yeah. I think we'll have to carefully
9 look at whether or not they falsely completed the form
10 or if they had a good faith belief and we simply did
11 not accept their good faith belief.
12 MS. SNYDER: Right. Like I said, if we had evidence,
13 strong evidence
14 MR. FEINBAUM: Right. Exactly.
15 MS. SNYDER: So it will be on a case-by-case basis.
16 MR. FEINBAUM: Yes.
17 MS. ARABO: Thank you.
18 MS. WARD: Would it make sense for there to be some
19 sort of list that's kept of those individuals where we
20 feel like we falsified it? Because oftentimes people
21 will apply to requisitions in different areas. So
22 like, Fay might not see the same person apply over and
23 over again. It might go to Fay and then Kristen and
24 then bounce around. And so -- and then we don't have
25 to have an answer right now, but we might want to

1 think about if there were people where we wouldn't
2 want to pursue their application perhaps having a One
3 Drive Excel file with the names.
4 MS. SNYDER: Yeah, I think there needs to be certainly
5 communication between Bart and the TA team, you, Libby
6 or Cory or whoever, when these kind of situations do
7 come up, hopefully there will be few and far between
8 where we just absolutely feel like this person is a
9 liar and wouldn't want them in our organization, but
10 if that does happen, there needs to be communication
11 so that everyone is on the same page about the person.
12 MR. FEINBAUM: Any other questions from the group?
13 MS. SNYDER: Bart, I'm going to bring up one more
14 thing related to the question that was asked about
15 what if a person applies for religious exemption, gets
16 denied and then tries the medical exemption route.
17 MR. FEINBAUM: Okay.
18 MS. SNYDER: Could we just kind of handle it as your
19 religious -- well, I'm thinking out loud now, and now
20 I don't even like what I'm about ready to ask. Your
21 religious exemption was denied, therefore your offer
22 is being rescinded or something along those lines. So
23 it doesn't leave it open for them to forum shop, like
24 you said.
25 MR. FEINBAUM: Uh-hum.

1 MS. SNYDER: But then that doesn't leave open the
2 possibility that they're willing to get vaccinated
3 instead of missing the opportunity.

4 MR. FEINBAUM: Right. Yeah. I was under the
5 assumption that if the religious exemption was denied,
6 that the offer would be rescinded. Okay. And at that
7 point, I think as you said, if they apply again, maybe
8 ask for medical exemption, we'd have to look at it on
9 a case-by-case basis.

10 MS. SNYDER: I don't know that it will be necessarily
11 rescinded until they confirm that they still will not
12 get the vaccine

13 MR. FEINBAUM: Right, exactly.

14 MS. SNYDER: They'll say okay, well, I tried, I'll go
15 get the vaccine.

16 MR. FEINBAUM: Right.

17 MS. SNYDER: The offer would still be valid.

18 MR. FEINBAUM: Yes. No, I agree with you.

19 MS. BYERS: I was like, wait, they might change their
20 mind. I mean, I think till we get some of these under
21 our belt, frankly, we don't know what kind of
22 behaviors we're going to see, right?

23 MR. FEINBAUM: Yeah.

24 MS. BYERS: Yeah, you don't rescind out of hand, maybe
25 they'll cave on the vaccine. Who knows?

1 MR. FEINBAUM: And then you have to decide how many
2 days are you going to give them. Are you going to
3 give them like three days or just up until the day
4 before you start to give us proof of the vaccination
5 status?

6 MS. SNYDER: How do we have it set up right now, that
7 they have to have at least the first -- I'm trying to
8 remember -- we have to have at least the first vaccine
9 dose before they start, 30 days for the second?

10 MS. BEAVERSON: Yeah, at least one dose before the
11 start date, and they are committing to getting the
12 second if it's a two dose vaccine, within the first 30
13 days of employment.

14 MS. BEAVERSON: So Hirite is our vendor partner for
15 background check and drug screen. They have added
16 like C-19 vaccination questionnaire to our background
17 checks. We can also order them ala carte, and that's
18 what we're doing for this big group that's starting on
19 and after November 1st, the 80 or so, doing a bulk
20 order of the questionnaire for them. The
21 questionnaire asks them, have you gotten it? Yes or
22 no? If no, are you willing to get it? Yes, no. And
23 then some information very much like the Appian app
24 where it asks the type that you got, if you got it and
25 what are the dates, and then an opportunity -- well,

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1 it's a requirement to upload the card. So they'll do
2 all of that all over again when they start and they
3 add that information to the Appian as well. All
4 right. Well, go ahead, sorry, Bart.
5 MR. FEINBAUM: I think we're up against our time, but
6 I would be happy to stick around if you have some more
7 questions. Okay.
8 MS. BEAVERSON: Thank you very much, both of you for
9 your patience.
10 MS. BYERS: Thank you.
11 MR. BUSOVICKI: Yes, thank you very much.
12 MR. FEINBAUM: Okay. We'll talk later, I'm sure.
13 MS. BEAVERSON: Yes, we will
14 MR. FEINBAUM: Pretty much a guarantee. All right.
15 Bye-bye.
16 MR. BUSOVICKI: Thank you. Have a good day.

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